IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No. 585 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE BANKIM.N.MEHTA

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1 Whether Reporters of Local Papers may be allowed to see the judgment ? No.

2 To be referred to the Reporter or not ? No.

3 Whether their Lordships wish to see the fair copy of the judgment ? No.

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ? No.

5 Whether it is to be circulated to the civil judge ? No.

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JAYHIND TRADING CORPORATION - Applicant(s)
Versus
OSKA STEEL PVT LTD & 1 - Respondent(s)

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Appearance :
MR BA SURTI for Applicant(s) : 1,
RULE SERVED BY DS for Respondent(s) : 1,
MR KC SHAH APP for Respondent(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE BANKIM.N.MEHTA

Date : 18/12/2007

ORAL JUDGMENT :

1. It i s stated that learned advocate Mr. B.A. Surti for the petitioner has filed sick note. But learned advocate Mr. Krunal S. Shah has appeared

on behalf of learned advocate Mr. Surti.

2. Learned advocate Mr. Atit Thakor states that he has instructions to appear on on behalf of the respondent No. 1 and shall file his Vakilpatra today.

3. The parties have placed on record a copy of the compromise pursis filed by the parties in Criminal Revision application NO.584 of 2007.

4. It i s stated that two separate complaints were filed by the respondent No.1 against the petitioner. The petitioner was convicted and sentenced in both the cases. The petitioner challenged both the judgments by filing two separate appeals but the appellant Court dismissed the appeals and confirmed the judgments of the trial court. Therefore, the petitioner has filed two separate criminal revision applications before this Court and both the matters have been settled by the parties.

5. Learned advocates for the parties state that the original compromise pursis has been filed in Criminal Revision Application No.584 of 2007 and the zerox copy of the same is produced in this proceedings.

6. The parties are personally present in the court and have admitted having executed compromise pursis. Learned advocate for the parties have also signed the compromise pursis and have identified the parties.

7. It appears from the compromise pursis dated 18-12-2007 that there is settlement between the petitioner and the respondent No. 1 with regard to the amount of cheque given by the petitioner to the respondent No. 1 and the parties have settled the disputed and compounded the offence. It also appears that the settlement is made by the parties out of their free will and without force coercion or undue influence. Therefore, the settlement is required to be accepted and the parties are required to be permitted to compound the offence.

8. In view of compounding of offence, the judgment and order of conviction and sentence passed on 12-3-2007 by learned J.M.F.C., Mehsana in Criminal Case No.4143 of 1999 and confirmed by by learned Addl. Sessions Judge, Mehsana on 10-9-2007 in Criminal Appeal No. 31 of 2007 is quashed and set aside and the petitioner is acquitted for the offence charged against him. The petitioner is on bail, his bail bonds stand

cancelled. As per the compromise pursis the amount of Rs.12,500/- deposited by the petitioner in this Court is ordered to be returned to petitioner. The office is directed to pay the aforesaid amount of Rs.12,500/- by Account Payee Cheque to the petitioner and the same be handed over to him. Amount of fine paid by the petitioner be returned to him. Rule is made absolute to the aforesaid extent.

(Bankim N. Mehta, J.)

/JVSatwara/